

Case No. KUMAP0105US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re patent application of:

Applicants: Javed Naim Agrewala et al

Serial No.: 09/815,602

Filing Date: March 23, 2001

For: PROCESS FOR THE PREPARATION OF A VACCINE FOR THE  
TREATMENT OF TUBERCULOSIS AND OTHER INTRACELLULAR  
INFECTIONS DISEASES AND THE VACCINE PRODUCED BY THE  
PROCESS

Examiner: Rodney P. Swartz

Art Unit: 1645

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Box AF: Expedited Procedure  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed  
September 12, 2002, finally rejecting claims 1 to 3 and 5.

The items checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of  
 X  other than a small entity.  
  a small entity.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<u> </u> small entity	\$160.00
<u> X </u> other than a small entity	\$320.00
Notice of Appeal Fee Due	<u> \$ 320.00 </u>

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions  
of 37 CFR 1.136 apply.

(a)  X  Applicant petitions for an extension of time under  
37 CFR 1.136 (fees: 37 CFR 1.17(a)-(3)) for the  
total number of months checked below:

03/18/2003 #DATE1 00000071 180988 09815602

01 FC:1401 320.00 CH

02 FC:1253 930.00 CH

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JM  
3/21/03

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<u>      </u>	one month	\$ 110.00	\$ 55.00
<u>      </u>	two months	\$ 410.00	\$205.00
<u>  X  </u>	three months	\$ 930.00	\$465.00
<u>      </u>	four months	\$1,450.00	\$725.00

Fee \$ 930.00

If additional extension of time is required, please consider this a petition therefor.

       An extension for        month has already been secured.  
The fee paid therefor of \$        is deducted from the total  
fee due for the total months of extension now requested.

Extension fee due with this request \$ 930.00

**OR**

(b)        Applicant believes that no extension of term is required.  
However, this conditional petition is being made to  
provide for the possibility that applicant has inadvertently  
overlooked the need for a petition and fee for extension  
of time.

#### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 320.00  
Extension fee (if any) \$ 930.00

TOTAL FEE DUE \$ 1250.00


#### 5. FEE PAYMENT

       Attached is a check in the sum of \$       .  
  X   Charge Account No. 18-0988 the sum of \$ 1250.00.  
**(A duplicate of this transmittal is attached.)**

#### 6. FEE DEFICIENCY

  X   If any additional extension and/or fee is required,  
charge Account No. 18-0988.  
and/or  
  X   If any additional fee for claims is required,  
charge Account No. 18-0988.

By

  
Joseph J. Crimaldi  
Reg. No. 41,690

1621 Euclid Avenue, 19th Floor  
Cleveland, Ohio 44115  
(216) 621-1113



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box AF: Expedited Procedure; Commissioner for Patents; United States Patent and Trademark Office; Washington, D.C. 20231.

Dated: \_\_\_\_\_

03/12/03

Joseph J. Crimaldi  
Joseph J. Crimaldi

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